

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FEB 23 2010

DAVID J. MULANEY, CLERK
BY
DEPUTY

JOHN GERARD QUINN, §
§
Plaintiff, §
§
v. §
§
JESUS DAMIAN GUERRERO, et al., §
§
Defendants. §

CASE NO. 4:09CV166

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 28, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Emergency Motion to Quash Depositions and Stay Case or in the Alternative Stay Discovery (Dkt. 18) be GRANTED in part, that this matter be STAYED in its entirety until the criminal proceedings against Plaintiff are completed, and that Defendants' Motion for Partial Dismissal Based on the Intracorporate Conspiracy Doctrine (Dkt. 27), Defendant's Motion to Dismiss Plaintiffs' Claims Against the Individual Defendants Based on Section 101.106 (Dkt. 29), and the Individual Defendants' Motion Dismiss Based on the Statute of Limitations and/or Collateral Estoppel (Dkt. 30) be DENIED without prejudice to re-urging them, as appropriate, once the stay is lifted.

The court, having made a *de novo* review of the objections raised by Plaintiff, Defendants' response and Plaintiff's reply, is of the opinion that the findings and conclusions of the Magistrate

Judge are correct, and the objections of Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Defendants' Emergency Motion to Quash Depositions and Stay Case or in the Alternative Stay Discovery (Dkt. 18) is GRANTED in part, and this matter shall be STAYED in its entirety until the criminal proceedings against Plaintiff are completed. Further, Defendants' Motion for Partial Dismissal Based on the Intracorporate Conspiracy Doctrine (Dkt. 27), Defendant's Motion to Dismiss Plaintiffs' Claims Against the Individual Defendants Based on Section 101.106 (Dkt. 29), and the Individual Defendants' Motion Dismiss Based on the Statute of Limitations and/or Collateral Estoppel (Dkt. 30) are DENIED without prejudice to re-urging them, as appropriate, once the stay is lifted.

IT IS SO ORDERED.

SIGNED this 22nd day of Feb., 2010.



RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE